

NATIONAL RECOVERY ADMINISTRATION

CODE OF FAIR COMPETITION

FOR THE

BEAUTY SHOP INDUSTRY

AS SUBMITTED ON AUGUST 29, 1933

REGISTRY No. 1708—184

The Code for the Beauty Shop Industry
in its present form merely reflects the proposal of the above-mentioned
industry, and none of the provisions contained therein are
to be regarded as having received the approval of
the National Recovery Administration
as applying to this industry



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CODE OF FAIR COMPETITION OF THE AMERICAN COSMETICIANS ASSOCIATION

ARTICLE I—PURPOSE

SECTION 1. The American Cosmeticians Association, constituting a majority of beauty shop owners and operators in this country and representative of the entire beauty shop industry throughout the United States, in its effort to cooperate to the fullest extent with the President of the United States, hereby adopt this Code pursuant to Title 1 of the National Industrial Recovery Act.

SEC. 2. The purpose of this Code is to effectuate the purposes and policies of Title 1 of the National Industrial Recovery Act insofar as it is applicable to beauty shop industry of the country.

SEC. 3. The beauty shop industry is composed of beauty shops selling service, cosmetics and toilet preparations, as defined in this Code, and is represented by the American Cosmeticians Association, whose national headquarters are located in the Hotel Sherman, Chicago, Illinois.

The authority of the American Cosmeticians Association, except during the time of the annual meetings, is vested in the Board of Managers consisting at this time of the following members: Mrs. S. R. Lindquist, Rockford, Illinois; Miss Frances Martell, Chicago, Illinois; Mrs. Hannah Schapp, Chicago, Illinois; Mrs. Mary Hill, Chicago, Illinois; Mrs. M. B. McGavran, Kansas City, Missouri; Mrs. E. L. Tracy, Kansas City, Missouri; Miss Elizabeth Theilen, St. Louis, Missouri; Mrs. Florence B. Menge, Kansas City, Missouri; Mrs. Bell Stice, Joplin, Missouri; Mrs. Irene Johnson, Kansas City, Missouri; Miss Theo Bender, St. Louis, Missouri; Miss Hazel Ravenscroft, Bartlesville, Oklahoma; Mrs. E. J. Hanson, Oklahoma City, Oklahoma; Miss Ethel Taylor, Henryetta, Oklahoma; Mr. Floyd Z. Gill, Tulsa, Oklahoma; Mr. P. H. Burgess, Oklahoma City, Oklahoma; Mrs. Mary Sanftner, Forest City, Iowa; Mrs. May Vogt, Milwaukee, Wisconsin; Miss Jeannette Jacobs, Milwaukee, Wisconsin; Miss Eileen Blum, West Palm Beach, Florida; Mme. Le Lian A. Krumm, Miami, Florida; Miss Mary Bradon, Cleveland, Ohio; Mrs. Charles Hutson, Lonoke, Arkansas; Mrs. Mabel Hitchcock, Little Rock, Arkansas; Mrs. J. A. McCann, Fort Smith, Arkansas; Miss Carolyn Burr, Baltimore, Maryland; Mrs. Ruth D. Maurer, New York City, N.Y.; Miss Alta Pruden, Hornfall, N.Y.; Mrs. Anna Grennie, Staten Island, N.Y.; Miss Janet Mersonick, Raton, New Mexico; Mrs. Elizabeth Davis, Washington, D.C.; Mrs. Anna Harris, New Orleans, Louisiana; Mme. Helene, New Orleans, Louisiana; Mrs. Emma Norris, Newton, Kansas; Mrs. Sarah Sayles, Shelbyville, Kentucky; Mrs. Elizabeth Dorr, Lexington, Kentucky; Mrs. Maybel Ellick, Jackson, Mississippi; Mrs. W. E. Cowart, Hattiesburg, Mississippi; Miss Irene Gray, Omaha, Nebraska; Miss Arlene Hudson, Mobile, Alabama; Miss Flo Chadwick, Huntington, West Virginia; Miss Isa

Taylor, Clarksburg, West Virginia; Miss Josephine Hanlen, Beaumont, Texas; Miss Anna Baum, Green, Texas; Mrs. Ethel B. Davis, Macon, Ga.; Mrs. Winifred Fayant, Philadelphia, Pa.; Mrs. A. E. Voegle, Greensburg, Pa.; Mrs. Vences Simpkins, Rugby, North Dakota.

ARTICLE II—DEFINITIONS

Wherever used in the Code the terms hereinafter in this Article defined shall, unless the context shall otherwise clearly indicate, have the respective meanings hereinafter in this article set forth. The definition of any such term in the singular shall apply to the use of such term in the plural and vice versa.

SECTION 1. The term "the United States" means and includes all of the territory of the United States of America on the North American continent including Alaska and the Canal Zone and the insular possessions of the United States.

SEC. 2. The term "the President" means the President of the United States of America.

SEC. 3. The term "beauty culturist" as used herein shall mean all persons engaged in manicuring, the application of cosmetic preparations by massaging, stroking, kneading, slapping, tapping, stimulating, manipulating, exercising, cleansing, beautifying, or by means of devices, apparatus or appliances; in arranging, dressing, cutting, trimming, marcelling, curling, waving, cleansing, singeing, bleaching, coloring, dyeing, pressing, tinting, or otherwise treating hair; in applying, attaching, adding hair or other materials or devices, when done for cosmetic or beautifying purposes to or on the body of any female person.

SEC. 4. The term "beauty shop" shall mean all establishments where beauty culture is practiced, except barber shops.

SEC. 5. The term "cosmetics" and the term "toilet preparations" shall mean and include perfumes, toilet waters, face powders, face creams, rouges, shaving creams, dentifrices, soaps and similar substances and preparations designed and intended for application to the person for the purpose of cleansing, improving the appearance of, refreshing or preserving, and beautifying the person.

SEC. 6. The term "industry" means and includes the business of practicing beauty culture and selling cosmetics and toilet preparations at retail in beauty shops in the United States.

SEC. 7. The term "member of the beauty shop industry" means and includes any person, firm, business trust, association or corporation engaged in the business of practicing beauty culture or selling cosmetics and toilet preparations at retail in beauty shops in the United States.

SEC. 8. The term "the Code" means and includes this Code and all schedules annexed hereto as originally approved by the President and all amendments hereof and thereof made, as hereinafter in Article X provided.

SEC. 9. The term "member of the Code" means any member of the Industry who shall have become a member of the Code as hereinafter provided.

SEC. 10. The term "National Control Board" means a board of three to be appointed by the Administrator of the National Industrial Recovery Act.

SEC. 11. The term "unfair practice" means and includes any act described as unfair in ARTICLE VI of this Code.

SEC. 12. The term "employee" as used herein shall include all persons engaged in the practice of beauty culture except executive, administrative, and supervisory employees whose salaries exceed \$35.00 per week.

SEC. 13. The term "employer" as used herein shall include all owners of beauty shops.

SEC. 14. The term "apprentice" as used herein shall mean all persons engaged in the practice of beauty culture not legally qualified to independently practice beauty culture in the state where they reside.

SEC. 15. The American Cosmeticians Association as stated in ARTICLE I is an organization made up of persons, firms, associations or corporations owning retail beauty shops and individuals practicing beauty culture and constituting a representative organization of the entire beauty shop industry in this country.

ARTICLE III—MEMBERSHIP

Any person, firm, association, or corporation operating a beauty shop or employed therein is eligible for membership in the operation of this Code by signing and delivering to the Administrator of the National Industrial Recovery Administration, Washington, D.C., or to the Secretary of any national or state association of beauty shops, a letter substantially in the form annexed hereto and paying the fees equitably assessed for meeting the expenses of the administration of this Code.

ARTICLE IV—HOURS OF LABOR, RATES OF PAY, AND OTHER CONDITIONS OF EMPLOYMENT

SECTION 1. Pursuant to subsection (a) of Section 7 of the National Industrial Recovery Act, the Code shall be subject to the following conditions:

(a) That employees shall have the right to organize and bargain collectively through representatives of their own choosing, and shall be free from the interference, restraint, or coercion, of employers of labor, or their agents, in the designation of such representatives or in self-organization or in other concerted activities for the purpose of collective bargaining or other mutual aid or protection:

(b) That no employee and no one seeking employment shall be required as a condition of employment to join any company union or to refrain from joining, organizing, or assisting a labor organization of his own choosing; and

(c) That employers shall comply with the maximum hours of labor, minimum rates of pay, and other conditions of employment, approved or prescribed by the President.

(d) It is agreed by the members of the beauty-shop industry that after August 31, 1933, they will not employ any person under 16 years of age, except that persons between 14 and 16 may be employed not to exceed three hours per day, and those hours between 7 A.M. and 7 P.M., in such work as will not interfere with hours of day school.

SEC. 2. *Hours.*—(a) No person engaged in the beauty-shop industry shall work any employee engaged in the practice of beauty culture,

including maids, and porters, for more than 48 hours per week and not more than eight hours in any one day.

(b) No person engaged in the beauty-shop industry shall work any executive, administrative, and supervisory employees not including owners, for more than forty hours per week and not more than eight hours per day excepting Saturdays and days preceding legal holidays, provided, however, that where owners, or executive, administrative, and supervisory employees are actually engaged in the practice of beauty culture they shall not work more than 48 hours per week and not more than eight hours in any one day.

(c) It is agreed not to reduce the hours of service in any beauty shop to below 52 hours in any one week unless such hours were less than 52 hours per week before July 1, 1933, and in the latter case not to reduce such hours at all.

SEC. 3. *Rates of Pay.*—(a) In cities of over 500,000 population, or in the immediate trade area of said cities, the minimum wage for beauty culturists shall be \$15.00 per week.

(b) In cities or villages of from 2,500 to 500,000 population, or in the immediate trade area of said cities or villages, the minimum wage for beauty culturists shall be \$14.00 per week.

(c) In cities or villages of less than 2,500 population, or in the immediate trade area of said cities or villages, the minimum wage for beauty culturists shall be \$12.00 per week.

Population for the purposes of this agreement shall be determined by reference to the 1930 census.

(d) In all cities and villages executive, administrative, and supervisory employees shall be paid the same minimum wage as the beauty culturists in such cities and villages except such other employees as maids and porters whose minimum wage shall be \$4.00 per week less than the schedule in such cities or villages.

(e) The minimum rate of pay for part-time beauty culturists shall be forty cents per hour.

(f) Wages shall not be reduced for employment now in excess of the minimum wages hereby set forth, notwithstanding that the hours worked in such employment may be reduced.

(g) Whenever commissions are paid as wages, the minimum wage per week set forth in this article shall be guaranteed, and tips and other gratuities received by employees shall not be construed as wages. The rate of commission shall be that rate prevailing and generally accepted by a majority of the Industry in that state.

(h) The use of apprentices in beauty shops shall be discouraged and owners of beauty shops shall not admit apprentices to practice in their shops who have not at this time commenced their apprenticeship.

No subterfuge will be made to frustrate the spirit and intent of this agreement, which is, among other things, to increase employment by a universal covenant, to remove obstructions to commerce, and to shorten hours, and to raise wages for the shorter week to a living basis.

ARTICLE V—PRICES

SECTION 1. No beauty-shop owner shall offer services or goods for sale for a price less than cost plus 15% net profit. The term "cost" shall mean such standard figures as set forth by the National Board

of Control and shall include such items as rent, wages, and other expenses commonly known as overhead. It is the intent of this provision that in making the above computation of prices Federal and State excise or sales taxes shall not be included as a part of costs, but shall be added to the prices of the goods and service after such computations have been made.

SEC. 2. Minimum prices in each state shall be determined by the majority of shop owners in their respective states under the supervision of the State Board of Control as hereinafter provided for by Article VIII of this Code, but in the event that the prices of any such state shall not meet the approval of the National Board of Control the following schedule of minimum prices shall prevail:

Permanent waves.....	\$5. 00
Single permanent curls.....	. 50
Shampoos:	
Plain (short hair).....	. 50
Plain (long hair).....	. 75
Special shampoo (short hair).....	. 75
Special shampoo (long hair).....	1. 00
Hot oil and shampoo.....	1. 50
Medicated oil.....	2. 00
Dyeing and bleaching:	
Dye (virgin head).....	10. 00
Retouch.....	5. 00
Henna pack.....	2. 00
Bleach.....	3. 00
Retouch.....	1. 50
Cutting hair:	
First cut (long hair).....	1. 00
Cutting.....	. 50
Marcel.....	1. 00
Rewave.....	. 50
Fingerwave.....	1. 00
Hairdress.....	. 50
Manicure.....	. 50
Plain Facial.....	1. 50
Facial Pack.....	2. 00
Makeup.....	. 50
Eyebrow and lash dye.....	1. 50

ARTICLE VI—UNFAIR PRACTICES

For the purposes of the Code the following described acts shall constitute unfair practices:

SECTION 1. Making or promising to any customer or prospective customer any service or product, or to any officer, employee, agent or representative or any such customer or prospective customer, any bribe, gratuity, gift or other payment or remuneration, directly or indirectly.

Any trading allowance given to any customer in connection with the sale of any service or product or article, or delivering to such customer in connection with such sale, any other merchandise of any description, except upon payment in accordance with the provisions of the Code.

SEC. 2. Procuring, otherwise than with the consent of any member of the Industry any information concerning the business of such member which is properly regarded by it as a trade secret or confidential within its organization, other than information relating to a violation of any provision of the Code.

SEC. 3. Imitating or simulating any design, style, mark or brand used by any other member of the Industry or knowingly selling or passing off any product with any such imitated or simulated design, style, mark or brand.

SEC. 4. Using or substituting any material or product different in brand, kind or quality from that specified by the customer thereof.

SEC. 5. The substitution of a product, method or service for one which the customer believes he is purchasing.

The sale and/or delivery to a person of an article or service of a different type, brand or trademark from that which the customer or prospective customer believes he is purchasing, unless such fact be disclosed by the time of sale or offer for sale by the vendor to the customer or prospective customer.

SEC. 6. Using or substituting any material or any method of manufacture, service, distribution, marketing or sale not in accord with any applicable law, rule or regulation of any governmental authority.

SEC. 7. To prevent, by uninvited persuasion, disparaging innuendo or by concealment, a customer or prospective customer from purchasing a particular product or service which he has requested.

The uninvited dissuading or the attempt to dissuade a customer or prospective customer from purchasing an article of a particular brand, trade mark or type, which such customer has requested, and persuading or attempting to persuade such customer to purchase an article or service calculated and designed to serve the same purpose, but of a different brand, trade mark or type than the article requested, unless the vendor has not available for sale the article so requested, and unless such fact is so disclosed to such customer or prospective customer.

SEC. 8. Disseminating, publishing, or circulating any false or misleading information relative to any member of the Industry or to any product, service, or price for any service, product manufactured or sold by any member of the Industry (including one's own business or products), or the credit standing, business conduct, or ability of any member thereof to manufacture any product, or to the conditions of employment among the employees of any member thereof.

SEC. 9. All advertising or statements made to promote the sale of service, cosmetics, and toilet preparations and toilet articles, whether written or oral, including all forms of printed or oral recommendation of one's goods under the control of the manufacturer, such as publicity of all kinds including newspapers and magazine advertising, circulars, labels, booklets, radio advertising, and statements made orally in the promotion of sales of such products by salesmen or others employed directly or indirectly by the manufacturer, must be truthful and shall not be false directly or by ambiguity or inference or tend to create a misleading impression. The truth of the advertisement shall be judged by its intended effect as well as by a literal rendering thereof.

SEC. 10. Inducing or attempting to induce by any means any party to a contract with a member of the Industry to violate such contract.

SEC. 11. Aiding or abetting any person, firm, business trust, association or corporation in any unfair practice.

SEC. 12. Making any sale or contract of sale of any product or service under any description which does not fully describe such product in terms customarily used in the industry and conforming to any applicable law, rule or regulation of any governmental authority.

SEC. 13. Accepting any offer on the part of any manufacturer or wholesaler or jobber to pay any commission or any part of the salary or wages of any employee, demonstrating or salesperson in the shop.

SEC. 14. Any violation of any State or Federal law now or hereafter in force relating to the manufacture and sale or advertising of the service or products of the Industry.

SEC. 15. No school of beauty culture shall be operated in connection with a beauty shop.

SEC. 16. No person shall canvass from house to house selling beauty culture service or supplies as the representative of any jobber, dealer, or manufacturer and unless he shall be legally qualified to practice beauty culture, provided, however, that this section shall not prohibit any beauty culturist representing an established beauty shop from practicing beauty culture outside her establishment.

SEC. 17. Any violation of any other provision of said Code, whether or not herein expressed to be such, or using or employing any practice not hereinabove in this Article described which the National Board of Control of the Beauty Shop Industry shall declare to be a practice that would tend to defeat the policy of Title I of the National Industrial Recovery Act, shall be deemed an unfair practice.

ARTICLE VII—REPORTS AND STATISTICS

The National Board of Control is hereby constituted the agency of the Beauty Shop Industry to collect, receive and transmit to the President such reports concerning wages, hours of labor, and unfair methods of competition as may be required by the President under the provisions of the National Industrial Recovery Act.

ARTICLE VIII—ADMINISTRATION

SECTION 1. All matters mentioned in this Code of Fair Competition pertaining to the Beauty Shop Industry of the United States shall be administered by a National Board of Control consisting of three members to be named by the Administrator of the National Industrial Recovery Act. Headquarters of said National Board of Control shall be Washington, D.C.; and a subordinate Board shall be appointed in each of the 48 states by the Administrator, said subordinate board to be known as the State Board of Control and to consist of five members. It is urged that in the appointment of both the national and state boards all representative national and state associations submit a list of names of persons whom they deem qualified to serve as board members.

SEC. 2. The national board herein provided for shall have all the powers and duties conferred upon it by the Code and generally all such other powers and duties as shall be necessary and proper to enable it fully to administer and to effectuate the purposes of the Code with respect to the beauty shop industry of the United States.

SEC. 3. The expenses of administering the Code shall be borne by the members thereof. The National Board of Control may from time to time make such assessments on account of such expenses against the members of the Code as it shall deem proper and such assessments shall be payable as it shall specify. Failure of any member of the Code to pay any such assessment against such member for a period of thirty days after the date on which it became payable has constituted a violation of the Code.

ARTICLE IX—GENERAL PROVISIONS

SECTION 1. No provisions of this Code shall be interpreted, applied, or practiced in such manner as to promote or permit monopoly or monopolistic practices, or to eliminate or oppress small enterprises, or to discriminate against them.

SEC. 2. The violation of any of the provisions of this Code or any rule or regulation issued thereunder approved by the President of the United States shall be deemed to be an unfair method of competition.

SEC. 3. None of the provisions of this Code shall become effective or practiced by anyone in the Industry until the Code is approved by the President of the United States.

SEC. 4. If any provision of the Code be declared invalid or unenforceable, the remaining provisions shall nevertheless continue in full force and effect the same as if they had been separately presented for approval and approved by the President of the United States.

SEC. 5. This Code shall be in effect beginning ten (10) days after its approval by the President of the United States and shall remain in effect unless and until modified or revoked, and until the expiration of the National Recovery Act.

SEC. 6. No section of this Code shall nullify any provision of any state law relating to the practice of beauty culture.

ARTICLE X—AMENDMENTS

SECTION 1. This Code and all the provisions thereof are expressly made subject to the power of the President, in accordance with the provision of Clause 10 (b) of the National Industrial Recovery Act, from time to time to cancel or modify any order, approval, license, rule, or regulation issued under Title 1 of said Act and specifically to the power of the President to cancel or modify his approval of this Code or any conditions imposed by him upon his approval hereof.

FORM OF LETTER OF ASSENT TO THE CODE

*To the Secretary American Cosmeticians Association,
Hotel Sherman, Chicago, Illinois.*

DEAR SIR: The undersigned, desiring to participate in the Code of Fair Competition of the American Cosmeticians Association, dated 1933, a copy of which has been received by the undersigned, hereby assents to all of the provisions of said Code and by so doing hereby becomes a member of the Code of the Beauty Shop Industry. This assent becomes effective as of the date on which the Code shall have been approved by the President of the United States of America as therein provided, or as of the date on which the Code shall have been delivered if such date shall be subsequent to the approval of the Code of the President as aforesaid.

For all purposes of Section 1 of Article X of the Code, the address of the undersigned, until it shall file with you written notice of a change of such address, shall be as set forth at the foot of this letter.

Very truly yours,

Address:





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